

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNIVERSITY OF PITTSBURGH OF THE  
COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION d/b/a UNIVERSITY OF  
PITTSBURGH,

08cv1307

**ELECTRONICALLY FILED**

Plaintiff,

v.

VARIAN MEDICAL SYSTEMS, INC.,

Defendant.

**Order on Defense of Indefiniteness (Doc. Nos. 776, 779)**

AND NOW, this 23<sup>rd</sup> day of April, 2012, after careful consideration of the parties Cross-Motions for Summary Judgment (doc. nos. 776, 779), Briefs in Support (doc. nos. 778, 781), Responses in Opposition (doc. nos. 800, 803), and Replies thereto (doc. nos. 813, 816), IT IS HEREBY ORDERED that Pitt's Motion for Summary Judgment (doc. no. 776) is GRANTED and Varian's Motion for Summary Judgment (doc. no. 779) is DENIED. Summary Judgment is hereby entered in favor of Pitt and against Varian on the defense of indefiniteness with respect to the defenses rejected in doc. nos. 302 and 303, and the defenses that are rejected in the foregoing Memorandum Opinion.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties